

JUDY CARTER

UNITED STATES DISTRICT COURT NEW YORK  
SOUTHERN DISTRICT OF NEW YORK

VINAYEK SINGH,

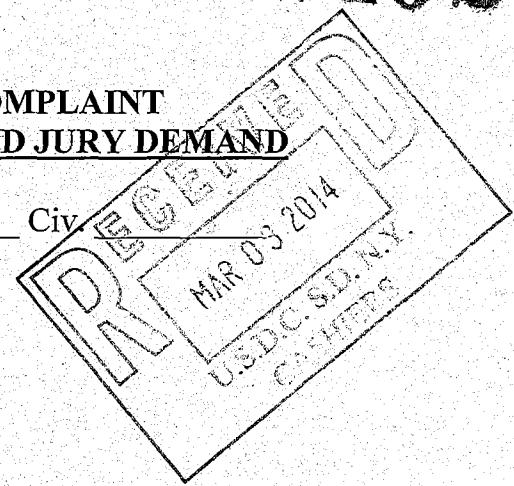
Plaintiff:

-against-

THE CITY OF NEW YORK, P.O. AMAURIS  
SANTANA, and OTHER PRESENTLY  
UNIDENTIFIED MEMBERS OF THE NEW  
YORK CITY POLICE DEPARTMENT,

Defendants:

**COMPLAINT  
AND JURY DEMAND**



**JURISDICTION**

1. This action is brought pursuant to 42 U.S.C. §1983 for violations of plaintiff's rights under the Fourth and Fourteenth Amendments to the United States Constitution and pursuant to the laws of the State of New York for violation of the tort laws of the State of New York.

2. This Court has jurisdiction over the federal claims pursuant to 28 U.S.C. §§1331 and 1343(a).

3. This Court has supplemental jurisdiction over the state court claims pursuant to 28 U.S.C. §1367.

4. Venue is proper in this district pursuant to 28 U.S.C. §1391(b).

**CONDITIONS PRECEDENT TO STATE CLAIMS**

5. Plaintiff VINAYEK SINGH (hereinafter "Mr. Singh" or the "plaintiff") has complied with all conditions precedent to commencement of the state law claims having timely served a written notice of claim upon the Comptroller's Office of the defendant

CITY OF NEW YORK (hereinafter "defendant City"), more than thirty days having elapsed since service of said notice of claim, and this action having been brought within one year and ninety days of the occurrence.

**PARTIES**

6. Plaintiff VINAYEK SINGH is a resident of Litchfield, Connecticut.

7. Defendant City was and is a domestic municipal corporation duly organized and existing pursuant to the laws of the State of New York.

8. Defendants P.O. AMAURIS SANTANA ("P.O. Santana") and Other Presently Unidentified Members of the New York City Police Department, (cumulatively the "defendant Police Officers") at all times relevant were employed by the defendant City as police officers.

**FACTUAL BACKGROUND**

9. On August 22, 2013, Mr. Singh boarded a downtown 4 or 5 IRT at the Grand Central Station stop intending to go to the Wall Street stop, New York, New York.

10. En route, Mr. Singh stepped out of the subway at the City Hall Manhattan stop to let passengers off a very crowded train.

11. At that moment, Mr. Singh was approached by an unidentified New York City Police Officer in plain clothes who asked Mr. Singh to accompany the officer.

12. Mr. Singh was then taken over to another area at the station where he was met by defendant P.O. Amauris Santana.

13. The defendant Police Officers then took Mr. Singh to the W 14<sup>th</sup> Street Subway police sub-station.

14. While in a holding cell, Mr. Singh asked P.O. Santana why he had been taken there and why he was being held. P.O. Santana responded by simulating an act of “humping” with his pelvis. Mr. Singh told the officer, in substance, that the officer was making a grave mistake.

15. A few hours later, Mr. Singh was placed in handcuffs and transported by the defendant Police Officers down to Central Booking.

16. En route, Mr. Singh complained that the handcuffs were hurting his wrists and the defendant Police Officers response was to call Mr. Singh a “pussy” and tighten the handcuffs even more.

17. About 12 hours after he was first taken into custody, Mr. Singh was arraigned in New York Criminal Court.

18. Singh was charged with New York Penal Law Sections 130.52 (Forceable Touching) and 130.55 (Sexual Abuse in the Third degree).

19. A copy of the original criminal complaint sworn to by P.O. Santana is annexed hereto as Exhibit “A” (underlining should be ignored).

20. In the criminal complaint, Jenny Simbana is identified by P.O. Santana as the complainant.

21. P.O. Santana spoke to Ms. Simbana at the City Hall station stop before he arrested Mr. Singh.

22. During that conversation, Ms. Simbana repeatedly told P.O. Santana that she had never been inappropriately touched by Mr. Singh.

23. Despite Ms. Simbana having told P.O. Santana that Mr. Singh had done nothing wrong, P.O. Santana proceeded with the arrest of Mr. Singh.
24. Despite Ms. Simbana having told P.O. Santana that Mr. Singh had done nothing wrong, P.O. Santana swore out a criminal court complaint against Mr. Singh with Ms. Simbana as the complainant.
25. After his arraignment, Mr. Singh had to appear twice more in criminal court on October 23, 2013 and on December 4, 2013.
26. On December 4, 2013, the Manhattan District Attorney's Office dismissed all charges against Mr. Singh.
27. Defendant Police Officers had no probable cause to arrest and imprison Mr. Singh.
28. Defendant Police Officers had no justification for physically abusing Mr. Singh.
29. Defendant Police Officers improperly swore out a criminal complaint against Mr. Singh containing false allegations and causing him to be prosecuted.
30. At all times relevant, the defendant Police Officers were acting within the scope of their employment as police officers for defendant City.
31. At all times relevant, the defendant Police Officers were acting under color of State law.
32. The defendant City was deliberately indifferent with respect to the training, supervising and disciplining of the defendant Police Officers which led to the wrongful acts herein.

33. The defendant City encouraged and condoned the various wrongful acts by the defendant Police Officers.

**FIRST CLAIM**

34. Plaintiff repeats and realleges the allegations of the prior paragraphs.  
35. The defendants' acts and conduct violated plaintiff's rights under the 42 U.S.C. §1983.

**SECOND CLAIM**

36. Plaintiff repeats and realleges the allegations of the prior paragraphs.  
37. The defendants' acts and conduct constituted an unlawful arrest and false imprisonment of plaintiff.

**THIRD CLAIM**

38. Plaintiff repeats and realleges the allegations of the prior paragraphs.  
39. The defendants' acts and conduct constituted an unlawful assault and battery upon the plaintiff.

**FOURTH CLAIM**

40. Plaintiff repeats and realleges the allegations of the prior paragraphs.  
41. The defendant's acts and conduct constituted a malicious prosecution of the plaintiff.

**WHEREFORE**, the plaintiff VINAYEK SINGH, demands the following relief:

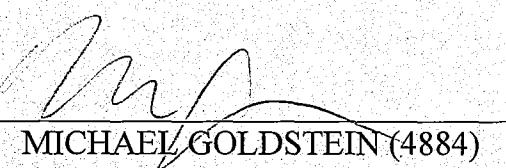
- (1) Compensatory damages;
- (2) Punitive damages;
- (3) Attorneys' fees, costs and disbursements;
- (4) Such other and further relief as this court finds just and proper; and
- (5) Plaintiff demands a trial by jury.

Dated: New York, New York  
February 28, 2014

Yours, etc.,

DILLON HOROWITZ & GOLDSTEIN LLP  
Attorneys for Plaintiff  
VINAYEK SINGH

By



MICHAEL GOLDSTEIN (4884)  
11 Hanover Square - 20th Floor  
New York, New York 10005  
(212) 248-4900  
mgoldstein@dhgattorneys.com

# EXHIBIT A

Page 1 of:

CRIMINAL COURT OF THE CITY OF NEW YORK  
COUNTY OF NEW YORK

THE PEOPLE OF THE STATE OF NEW YORK

-against-

MISDEMEANOR

Vinayek Singh (M 51),

Defendant

Police Officer Amauris Santana, Shield 7291 of the Transit Division, District 4, states as follows:

*The defendant is charged with:*

1 PL 130.52	Forcible Touching (defendant #1: 1 count)
2 PL 130.55	Sexual Abuse in the Third Degree (defendant #1: 1 count)

On or about August 22, 2013 at about 8:27 A.M., in the subway station at Union Square East & East 14 Street in the County and State of New York, the defendant intentionally, and for no legitimate purpose, forcibly touched the sexual and other intimate parts of another person for the purpose of degrading and abusing such person, and for the purpose of gratifying the defendant's sexual desire; the defendant subjected another person to sexual contact without the latter's consent.

*The factual basis for these charges are as follows:*

I observed the defendant get on a southbound 4 train directly behind a female passenger. I then observed the defendant push his crotch on the passenger's rear, causing the passenger to try to move away from the defendant. I then observed the defendant put his hand on the passenger's buttocks, after which the passenger looked back at the defendant and again tried to move away from the defendant.

I then observed, when the train pulled into the station at the above location, the defendant exit the train. I observed that the defendant's penis was erect. I then observed the defendant get back on the same train and again move behind the same female passenger. I then observed the defendant push his crotch into the passenger, poking her with his erect penis. Again, I observed the passenger attempt to move away from the defendant, after which he again poked the passenger with his erect penis.

I am informed by Jenny Simbana of an address known to the District Attorney's Office, that she is the female passenger and that the defendant did not have any consent to

Page 2 of

CRIMINAL COURT OF THE CITY OF NEW YORK  
COUNTY OF NEW YORK

THE PEOPLE OF THE STATE OF NEW YORK

-against-

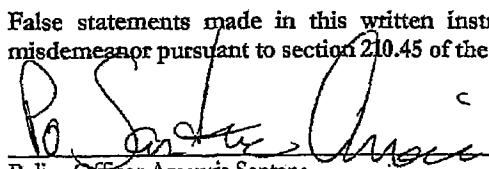
MISDEMEANOR

Vinayek Singh (M 51),

Defendant.

touch her in the manner that he did.

False statements made in this written instrument are punishable as a class A misdemeanor pursuant to section 210.45 of the Penal Law, and as other crimes.

  
Police Officer Amauris Santana

8/22/13

Date

1732

Time

2517974

Docket No. 14 CV 1402

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

---

VINAYEK SINGH,

Plaintiff,

- against -

THE CITY OF NEW YORK, P.O. AMAURIS SANTANA,  
and Other Presently Unidentified Members of the  
New York City Police Department,

Defendants.

---

**SUMMONS IN A CIVIL ACTION  
COMPLAINT and JURY DEMAND**

---

**DILLON HOROWITZ & GOLDSTEIN LLP**  
Attorneys for Plaintiff  
**11 Hanover Square - 20th Floor**  
**New York, New York 10005**  
**(212) 248-4900**  
**(212) 248-2848 fax**

---

Service of a copy of the within  
Dated, , 20

is hereby admitted.

Attorneys for

Sirs/Madams: -- Please take notice

Notice of Entry

that the within is a true copy of an  
clerk of the within named court on

duly entered in the office of the

Notice of Settlement

that an  
settlement to the HON.  
named court, at  
M.

of which the within is a true copy will be presented for  
one of the judges of the within

on 20 at